

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : : 11-cr-989 (JSR)
: :
-v- : :
: :
WALTER GARCIA, : : ORDER
: :
Defendant. : :
: :
-----x

JED S. RAKOFF, U.S.D.J.:

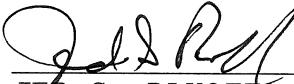
On January 23, 2024, the Court received a letter from Walter Garcia seeking a sentence reduction under 18 U.S.C. § 3582(c) (2) because of a November 2023 amendment to the Federal Sentencing Guidelines that reduces the offense level for defendants with no criminal history points who meet certain other criteria. ECF No. 101; see U.S.S.G. § 4C1.1(a). Even assuming arguendo that Garcia qualifies for the retroactive reduction in offense level, Garcia is not entitled to a reduction in sentence. The Court "may reduce the term of imprisonment" in this circumstance only "after considering the factors set forth in section 3553(a)." 18 U.S.C. § 3582(c) (2). The Court considered those factors in Garcia's case as recently as last month, in denying a previous request for a sentence reduction. ECF No. 100.¹ In an order on December 4, 2023,

¹ That was Garcia's third such request; the instant motion is his fourth. One of Garcia's earlier motions for a sentence reduction was successful. On December 8, 2020, the Court reduced Garcia's sentence from 280 months to 240 months of imprisonment. ECF No. 91.

the Court explained, "after balancing each of the Section 3553(a) factors, that any sentence below 240 months of imprisonment would be inconsistent with the severity of Garcia's crimes." Id. at 3 (alterations and quotation marks omitted). The Court adheres to that analysis and hereby denies Garcia's motion for a sentence reduction.

SO ORDERED.

Dated: New York, NY
January 24, 2024


JED S. RAKOFF, U.S.D.J.